

REMARKS

This Response is submitted in reply to the Office Action dated June 16, 2004. None of the claims have been amended. A Petition for a One-Month Extension of Time to respond to the Office Action is submitted herewith. A check in the amount of \$110.00 is submitted herewith to cover the cost of the one month extension. Please charge deposit account no. 02-1818 for any insufficiency or to credit any overpayment.

Claims 1 to 26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,491,584 to Graham et al. ("*Graham*"). Applicants respectfully disagree and traverse this rejection and submit that Graham does not disclose, teach or suggest all of the elements of the claimed invention for the reasons set forth below.

Applicants respectfully traverse this rejection because Applicants read and interpret *Graham* differently than how the Examiner is reading and interpreting *Graham*. More specifically, Applicants have set forth below the reading and interpretation of the "Summary of the Invention" section of *Graham* which is being relied upon by the Examiner. Applicants respectfully request that the Examiner fully consider the reading and interpretation of Graham set forth below.

The first paragraph of the "Summary of the Invention" of *Graham* set forth the definitions and interaction between the "trigger condition" and the "bonus feature."

According to the invention, there is provided a gaming machine having a display means and a game control means arranged to control images displayed on the display means, the game control means being arranged to play a game wherein random events are caused to be displayed on the display means and, if a predefined winning event results, the machine awards a prize, the gaming machine being characterised in that if the predefined result includes a trigger condition which results in an initial series of free games awarded to a player and, during the initial series of free games, another trigger condition arises, a subsequent series of free games, including a bonus feature, is awarded and implemented immediately during the existence of the initial series of free games with the bonus feature applicable to said subsequent series of free games being applied to the remaining games of the initial series of free games as well as to the games of the subsequent series of free games. (Emphasis added)(Col. 1, lines 29 to 45).

In this paragraph of *Graham*, the trigger condition causes the gaming device to provide the initial series of free games to the player. The player then plays the initial series of free games. If another trigger condition occurs while the player is playing those initial

series of free games, the gaming device provides additional free games to the player (i.e., a subsequent series of free games). The additional free games include a bonus feature. The additional free games are added to the remaining number of initial free games provided to the player. The bonus feature is applied to those remaining initial free games as well as to the additional free games provided to the player.

Based on this paragraph of *Graham*, the first occurrence of the trigger condition in *Graham* thus causes the gaming device to provide the initial free games to the player, and the second occurrence of the trigger condition in *Graham* thus causes (a) the gaming device to provide the additional free games to the player and (b) to provide a bonus feature applied to those additional free games and any remaining initial free games. *Graham* thus clearly defines and distinguishes the "trigger condition" and the "bonus feature" as having different functions in the game.

The second paragraph of the "Summary of the Invention" of *Graham* further defines an "initial bonus feature" in the game.

In a preferred embodiment of the invention, the game includes an initial bonus feature awarded during the initial series of free games. Then, when the subsequent series of free games occurs, the bonus feature of the subsequent series of free games supersedes the initial bonus feature applicable in respect of the remainder of the games of the initial series so that the bonus feature applicable to the subsequent series of free games applies to all the remaining free games. (Col. 1, lines 46 to 53).

This paragraph describes a preferred embodiment of *Graham* which includes an initial bonus feature for the initial series of free games. When the subsequent series of free games is provided to the player (i.e., after the second occurrence of the trigger condition), the bonus feature supersedes or replaces the initial bonus feature for any remaining initial free games and for the subsequent or additional free games. *Graham* again clearly defines and distinguishes the "trigger condition," "the initial bonus feature" and the "bonus feature" as having different functions in the game.

The third and fourth paragraph of the "Summary of the Invention" section of *Graham*: (a) define a "further series of free games" and a "further bonus feature;" (b) defines the repetitive or looping functionality of this game scheme; and (c) defines a potential limit on the looping feature.

It will be appreciated that, in the subsequent series of free games, if the trigger condition again arises to trigger a further series of free games, the further series of free games has a further bonus feature associated with it. The further bonus feature may supersede the bonus feature of the remaining games of the subsequent series of free games as well as any remaining games of the initial series of free games.

The awarding of yet further bonus features when additional free games are triggered may occur, optionally, a finite number of times. (Col. 1, lines 63 to 65).

These paragraphs describe the repetitive or looping functionality of the game scheme. Specifically, the third paragraph describes that each subsequent occurrence of the trigger condition (such as the third occurrence of the trigger condition) causes the gaming device to provide a further series of free games to the player and also causes the gaming device to provide a further bonus feature which is for each of the further free games and each of the remaining free games from the initial series and the additional series. Thus, each subsequently obtained bonus feature supersedes the previous bonus feature for all of the remaining games as further described in the fourth paragraph. Again, *Graham* clearly defines and distinguishes the "trigger condition," "the initial bonus feature," the "bonus feature," and the "further bonus feature(s)" as having different functions in the game scheme.

The fourth paragraph also states that the number of times that a subsequent bonus feature is provided to the player may be limited to a "finite number of times." For example, after a forth occurrence of the trigger condition, the gaming machine does not have to change or provide a fourth bonus feature which supersedes the previous or third bonus feature.

The entire fifth paragraph of the "Summary of the Invention" of *Graham* is directed to and describes the bonus features.

Any suitable bonus feature may be applicable. Thus, the bonus feature may include at least one of changes in definitions of symbol functions, for example, to scatters, substitutes, bonus symbols, feature triggers, etc, payable variations or an increase in the number of free games awarded. (Col. 1, line 66 to Col. 2, line 4).

The Examiner is relying on this paragraph to teach the present invention. Applicants respectfully disagree with this interpretation. This paragraph states that any suitable

bonus feature may be applicable to the free games and then provides certain examples of different bonus features that may be applied to the free games. When carefully parsed, this paragraph sets forth three separate examples for the bonus feature which is applied to the free games which include

- (i) at least one change in the definitions of symbol function,
- (ii) payable variations, and
- (iii) an increase in the number of free games awarded.

The Examiner relies on this first type of bonus feature to reject the claims. It is respectfully submitted that the language "at least one change in the definitions of symbol function" does not teach the presently claimed invention. *Graham* sets forth four examples of this first type of bonus feature which is how the symbol function definitions change including changes (a) to scatters, (b) to substitutes, (c) to bonus symbols, (d) to feature triggers, (e) etc. Applicants respectfully disagree with the Examiners interpretation of the language "to feature triggers."

When *Graham* states that the bonus feature includes the change in a symbol definition function such as to feature triggers, *Graham* is simply stating that the function of one or more symbols may change. For example, if the feature trigger is caused by the occurrence of three A symbols, by changing the definition of symbol functions to feature triggers, three B symbols may then cause the feature to be triggered instead of the three A symbols. *Graham* does not state that this change will increase the probability of obtaining the trigger condition or making the trigger condition more likely to occur in a subsequent game or in subsequent games. Applicants respectfully submit that the Examiner is using improper hindsight to read this teaching into this language. Moreover, as discussed above with regard to the first four paragraphs of the summary in *Graham*, *Graham* makes a clear distinction in discussing trigger conditions and bonus features. The entire fifth paragraph of the summary in *Graham* relates to the bonus features and it is respectfully submitted that the language the "bonus feature includes the change in a symbol definition function such as to feature triggers" is directed to the bonus features applied to the free games and not to changing the trigger conditions for the additional free games.

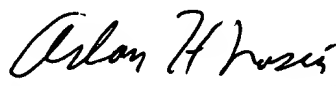
Moreover, the Examiner's interpretation contradicts the express teaching of *Graham*. *Graham* expressly teaches that the trigger frequency of the trigger condition

may decrease for at least one or more of the free games. (Col. 3, lines 59 to 64). Applicants therefore respectfully submit that *Graham* teaches a game scheme where the likelihood of obtaining the trigger condition for the free games is the same or less likely than obtaining the trigger condition in the base game. Therefore, *Graham* does not disclose, teach or suggest a secondary game re-triggering event in a secondary game which re-triggers the secondary game where the secondary game re-triggering event in the secondary game is more likely to occur in the secondary game than the secondary game triggering event in the primary game as in the claimed invention.

Accordingly, Applicants respectfully submit that Claims 1 to 26 are patentably distinguished over *Graham*. It is also respectfully submitted that the Examiner has not addressed each of the elements in each of the Claims including each of the dependent claims and that such elements are not all disclosed in *Graham*.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously solicited. If the Patent Office has any questions regarding this Response, Applicant respectfully requests that the Patent Office contact the undersigned to discuss this Response.

Respectfully submitted,
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